

1312017

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

**STEPHEN BODNAR, Individually
and t/d/b/a STEPHEN BODNAR
MASONRY,**

Plaintiff

v.

**NATIONWIDE MUTUAL
INSURANCE COMPANY,**

Defendant

DOCKET NO.:

3:12-CV-1337

CIVIL ACTION - LAW

JUDGE:

JURY TRIAL DEMANDED

FILED
HARRISBURG, PA

JUL 10 2012

MARY E. D'ANDREA, CLERK
Per [Signature] Deputy Clerk

NOTICE OF REMOVAL

Pursuant to 28 U.S.C.A. Section 1441, Defendant, Nationwide Mutual Insurance Company, hereby removes this matter from the Court of Common Pleas of Luzerne County, No. 09649 of 2012, to the United States Court for the Middle District of Pennsylvania, and in support hereof set forth the following:

1. On or about June 5, 2012, Plaintiff filed a Complaint against Defendant in the Court of Common Pleas of Luzerne County, Pennsylvania.
2. A copy of the Complaint was subsequently provided to Defendant on June 21, 2012. This was the first notice to Defendant of the nature of this lawsuit.

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3. The claims set forth in the Complaint arise from a motor vehicle accident and involve a claim for \$1,000,000 in insurance benefits, as well as a claim based on Defendant's handling of Plaintiff's claim for defense and indemnity under Plaintiff's insurance policy.

4. The Complaint contains a claim pursuant to Pennsylvania's bad faith statute, 42 Pa.C.S. §8371, which allows for the recovery of punitive damages.

5. Defendant is a corporation organized under the laws of the State of Ohio and has its corporate office and principal place of business in Columbus, Ohio.

6. According to the Complaint, Plaintiff is a resident of Berwick, Pennsylvania.

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. Section 1332 because complete diversity of citizenship exists between Plaintiff and Defendant.

8. The amount in controversy set forth in the Complaint exceeds \$75,000, exclusive of interests and costs.

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9. The Complaint contains a request for an award of punitive damages, and the Third Circuit Court of Appeals has held that a "request for punitive damages will generally satisfy the amount in controversy requirement because it cannot be stated to a legal certainty that the value of the plaintiff's claim is below the statutory minimum." Golden ex rel. Golden v. Golden, 382 F.3d 348, 355 (3d Cir.2004).


10. The Complaint filed by Plaintiff are the only process, pleadings and orders that have been provided to Defendant, a copy of which is attached as Exhibit A.

11. Notice of the removal of this action has been given to all parties and the Prothonotary of Luzerne County as required by 28 U.S.C.A. Section 1446(d).

Respectfully submitted,

DICKIE MCCAMEY & CHILCOTE

Dated: July 10, 2012



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